



**Franciscans International**  
A voice at the United Nations



## **Human Rights Council**

**27<sup>th</sup> Session of the UPR Working Group  
(May 2017)**

**Universal Periodic Review (UPR) of the  
Republic of the Philippines**

**Joint Stakeholders' Submission**

**Submitted by:**

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(NGO in General Consultative Status with ECOSOC)**

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**(Geneva, 21 September 2016)**



## **I Introduction**

1. Franciscans International (FI) was founded in 1989 and has a General Consultative Status with the ECOSOC since 1995. FI supports Franciscans and partners working at the local and national levels and assists in bringing their concerns and expertise to the UN to address structural causes of human rights violations.
2. Edmund Rice International (ERI) is an international non-governmental organization, founded in 2005 and with Special Consultative Status with ECOSOC since 2012. ERI is supported by two Catholic Religious Congregations, the Christian Brothers and the Presentation Brothers. It works with networks of like-minded organizations and in the countries where the two congregations are present. ERI has a special interest in the rights of the child, the right to education and in eco-justice.
3. The focus of the submission is on the rights of Indigenous Peoples, as impacted by extrajudicial executions and increasing militarization of their lands in particular the Human rights situation of indigenous peoples in Bukidnon Province and some areas of Northern Mindanao Regions in the Philippines.

## **II The first two Universal Periodic Reviews of the Philippines, 2008 and 2012**

2. At its first Universal Periodic Review, the Philippines Government accepted the recommendation to intensify its efforts to carry out investigations and prosecutions on extrajudicial killings and punish those responsible, as well as to completely eliminate torture and extrajudicial killings.<sup>1</sup> At its second Universal Periodic Review, the Philippines Government accepted recommendations on preventing human rights violations by the Armed Forces of the Philippines (AFP), eliminating extrajudicial killings, investigating all allegations of extra judicial killings and bringing the perpetrators to justice, promoting measures to disarm and dismantle private armed groups, establishing monitoring mechanisms to guarantee compliance on this, continuing human rights education for officials dealing with vulnerable groups, and respecting the rights of Indigenous Peoples<sup>2</sup>. This submission expresses our concerns over continuing extrajudicial executions and the failure to act on these recommendations, in some parts of the Philippines

## **III Data collecting process:**

3. The data and information collected for this report came from a visit and immersion in 2016 by staff of local NGOs based in the Philippines, who are in partnership with Edmund Rice International Geneva.

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<sup>1</sup> A/HRC/8/28/Add.1; 25 August 2008. Page 2 para 2 (e & (f)

<sup>2</sup> A/HRC/WG.6/13/L.10, 31 may, 2012, pp 14 - 20, pars 129.1, 129.13-17, 129.25, 129.28-32, 129.44.

4. Verbal testimonies were collected for this report from conversations with community leaders, children and families, volunteer teachers, and local staff of partner NGOs, based in the North Mindanao region, on the human rights violations they have faced.

#### **IV Present instruments for the promotion and protection of human rights**

5. The Philippine Government has ratified the UN international Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Elimination of Racial Discrimination. It also supports the UN Declaration on the Rights of Indigenous Peoples.

6. The Philippine Constitution has a Bill of Rights for the respect of Civil and Political Rights. The Philippines Government has created a Commission on Human Rights (CHR) as the monitoring body for cases of human rights violations.

7. On October 1997, The Government's Indigenous Peoples Rights Act (IPRA) for the recognition of the rights of Indigenous peoples was enacted. The Free Prior and Informed Consent (FPIC) of Indigenous peoples was made a requirement for any project or activities implemented in Indigenous territories, or any project that may have adverse impacts on them. Soon after its enactment, the constitutionality of IPRA was challenged in court. The law was upheld by the Supreme Court in December 2000 with an affirmation of the prior right of the State over natural resources, while Indigenous peoples have stewardship rights over their land and resources.

8. On the other hand, laws that violate the collective rights of Indigenous peoples are also being implemented. For example, the Mining Act of 1995 allows 100 per cent foreign ownership of mineral lands and the eviction of Indigenous communities; the National Integrated Protected Area Systems (NIPAS) provides restrictions to Indigenous peoples in their own ancestral domains if they are declared as National Parks; the Forestry Code declares lands with a slope of 18 per cent or over as public lands, thus making Indigenous communities in mountainous areas squatters on their own lands.

#### **V Introduction to Indigenous peoples in the Philippines**

9. Estimated numbers of Indigenous peoples in the Philippines are around 12-15 million, or 15 percent of the total population. They occupy more than 10 million hectares of the total landmass of 30 million hectares and belong to 110 ethno-linguistic groups. Indigenous peoples are one of the most impoverished sectors in the country and suffer from multiple types of human rights violations. This section will cover three areas of human rights violations suffered by Indigenous people in some areas of Mindanao: politically motivated killings, militarization of the ancestral territories of Indigenous peoples, and the violation of their collective rights to land and natural resources.

## **VI Politically Motivated Killings of Indigenous Peoples and Continuing Threats to Indigenous Leaders and Community Members asserting their Collective Rights**

10. During the Arroyo administration, killings have occurred in several regions of the country, with the Lumads of Mindanao and the Igorots of the Cordillera being the most targeted groups. While the victims represent many different professions, NGO workers, local government officials, church workers, and members of Indigenous leadership structures have been especially targeted because of their political beliefs or their defense of their collective rights against government projects and policies. The 120 victims include thirteen (13) women, four of whom were pregnant, and sixteen (16) minors.

11. On April 23, 2014, as documented by a local NGO, based in Northern Mindanao, there were two frustrated extra-judicial killings of Indigenous peoples, two cases of indiscriminate firing and strafing directly targeting 145 families. This was followed by 23 cases of destruction of properties (where 23 families had their houses destroyed, with some burnt and looted by the paramilitary forces), five cases of families being driven from their land and banned from returning, and violations of the collective right to land of 145 families from one clan, and seven families from other clans. These attacks were perpetrated by paramilitary forces under the command of Jun Zapanta, on April 23, 2014.

12. On September 1, 2015, at KM16, Han-ayan, Barangay Diatagon, Dionel Campos (Chairman of the Malahutayong Pakigbisog Alang Sa Sumusunod or MAPASU), Emiritu Samarca (Executive Director of the Alternative Learning Center for Agricultural and Livelihood Development or ALCADDEV) and Datu Bello Sinzo were killed by the AFP (Armed Forces of the Philippines) and paramilitary group called Alamara. This happened in front of hundreds of residents of at least six sitios who were earlier ordered out of their homes by gunmen of the Magahat militia around 4 a.m. for not signing the document to allow a mining company to do exploration in their land.

13. On July 30, 2016, Lumad communities in Bukidnon were again harassed by another paramilitary group called NIPAR, headed by Aldy “Butsoy” Salusad. This attack resulted in the death of Makinit Gayoran, a three-month pregnant woman, and gunshot wounds to several children and community members of the Tigwahanon tribe of Sitio Tibugawan and Sil-angon, Barangay Kawayan, San Fernando, Bukidnon. Butsoy Salusad’s paramilitary group, NIPAR, was positioned at the top-hill of the community, who had a wedding ceremony at that time when Salusad’s group mercilessly attacked the community. The Indigenous people were forced to seek refuge in the city of Valencia and Malaybalay in Bukidnon.

14. The systematic extra judicial killings of Indigenous peoples and the continuing threats to Indigenous leaders have additional adverse social impacts. These incidents have resulted in more conflicts, fear and mistrust among Indigenous communities, which is weakening Indigenous systems of cooperation and solidarity. Because of the chilling effect of the killings, it also

weakened the Indigenous people's movement for the respect and recognition of their collective rights. (More information on this is found in the Philippine Report of the UN Special Rapporteur on Extra-judicial Killings, Professor Philip Alston, who was on an official visit to the Philippines in February 2006).

## **VII Escalating Militarization of Indigenous Peoples' Territories**

15. Indigenous peoples in the Philippines also suffer from militarization of their territories, resulting to the violation of their individual and collective rights. Militarization of Indigenous communities includes the permanent physical basing of the Philippine military within ancestral territories, regular conduct of military operations, including unwarranted searches of houses, imposition of food blockades, curfews and other restrictions.

16. Chaloka Beyani, United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons, stated during his fact-finding visit on the said issues that "The displaced IPs made it clear that it is their (AFP) presence and that of the paramilitary groups in their communities that continues to create anxiety amongst the Indigenous communities. Schools have reportedly been closed and/or occupied by the AFP or Alamara, hampering the access to education of Indigenous children. It is clear to me that existing legislation and institutions, including the exemplary Indigenous Peoples Rights Act cannot provide adequate protection from displacement unless fully implemented in practice. Specific provisions on the rights of Indigenous peoples should be included in the IDP Law."

17. On August 19, 2016, Amy Pond, a 64-year old Coordinator of the Rural Missionaries of the Philippines - Southern Mindanao Region (RMP-SMR) was arrested by elements of the CIDG (Criminal investigation and Detectoin Group) while she was on her way from the Living the Gospel Renewal Center at Archbishop Reyes Avenue, Lahug Cebu City, at noon time, after attending a 3-day religious assembly.

## **VIII Violation of the collective rights of Indigenous Peoples to their land and natural resources**

18. On April 23, 2014, the Lumads were expecting that they would finally be installed in the 28 hectares of land they claimed, as Manobo-pulangihon people under the Tribal Indigenous Oppressed Group Association (TINDOGA), one of the eight claimants of the Ancestral Domain at Botong, Quezon, Bukidnon under CADT (Certificate of Ancestral Domain Title) number R10-QUE-0712-159, along with three other clans belonging to Team B1. They had gathered outside their shanties fully expecting triumph after years of hard struggle for their ancestral domain.

19. Present at the event were representatives from the National Commission on Indigenous Peoples (NCIP), local government unit of (LGU) Quezon, Fundador Binahon, Paul Abalde (Municipal Administrator – Quezon, Bukidnon), Carlito Anglao (Barangay IP Mandatory Representative), and Iladio Anglao (IP Municipal Mandatory Representative), together with five

personnel from the Philippine National Police requested by the LGU, giving it an illusion of legitimacy. TINDOGA's high hopes eventually turned dim as they learned that they will be installed not on an area of arable land, where they can subsist on agricultural production, but on a hilly and rocky portion of the 622-hectare domain.

## **20. Recommendations to the government of the Philippines:**

- 1. To acknowledge the Philippine Reports of the UN Special Rapporteur on the Human Rights of Internally Displaced Persons, Dr. Chaloka Beyani, and to implement fully his recommendations, with urgency and priority.**
- 2. To review its laws, such as the Mining Act of 1995 and other laws, that may directly impact negatively on Indigenous Peoples, in order to ensure the respect and recognition of their collective rights.**
- 3. To repeal any laws and policies in violation of the collective rights of Indigenous peoples.**
- 4. To establish an independent body to certify whether the process of determining Free Prior and Informed Consent (FPIC) of Indigenous people was done in accordance with the principles, substance and processes as defined by UN Permanent Forum on Indigenous Issues.**
- 5. To establish a complaints mechanism to address the violations related to FPIC and to provide appropriate measures for redress for Indigenous people.**
- 6. To conduct regular dialogues with Indigenous leaders and families of victims on concrete measures undertaken to address human rights violations of Indigenous peoples and to discuss key issues related to the respect for the rights of Indigenous peoples.**
- 7. To provide adequate access for Indigenous People to basic services such as health, education and protection of their socio-economic and collective rights.**
- 8. To seek technical assistance from the international community in implementing the recommendations given in the Philippine Reports of the UN Special Rapporteurs.**
- 9. To seek technical and other forms of support from the international community in implementing of the UN Declaration on the Rights of Indigenous Peoples.**
- 10. To establish a mechanism, under the Human Rights Council, with direct participation of Indigenous experts, that will monitor and coordinate efforts to address the human rights situation of Indigenous peoples in the Philippines.**

**11. To ensure the effective implementation of UPR recommendations through the establishment, by the time of a mid-term assessment of the current UPR cycle, of a permanent governmental mechanism to liaise with relevant ministries and consult with Civil Society, the Commission on Human Rights of the Philippines, and all relevant stakeholders.**